

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL
HELD OCTOBER 3, 2007 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN
STREET, GRANTSVILLE, UT 84029. THE MEETING BEGAN AT 7:00 P.M.**

Mayor and Council Members Present: Mayor Byron Anderson; Council Members, Robin Baird, Brent Marshall, Todd Castagno, and Wayne Butler. Council Member Paul Rupp was absent.

Appointed Official and Employees Present: City Recorder Jeremy Walker, Attorney Ronald Elton, and Records Administrator Rachel Wright

Citizens and Guests Present: Jared Lambert, Karson Lambert, Spencer Potter, James Johnson, Jacob Anderegg, Neil L. Blackburn, Aaron Olney, Jonathan Johnson, Colleen Brunson, Barry Warr, Tammie Beaumont, Tony Gonzalez, Mike Colson, Aarin and Lisa Mattox, Nicole Cloward, and Bryan Morris

PUBLIC HEARINGS:

- a. **Proposed zoning map amendment for Carolee Warr to rezone approximately twenty acres located at 445 West 615 North from an A-10 to a RR-1 zoning district:** Mayor Anderson opened the public hearing at 7:00 p.m. to receive comments on the proposed zoning map amendment. No comments were offered and the Mayor closed the public hearing at 7:01 p.m.
- b. **Proposed amendment to the Land Use Management and Development Code to delete the requirement for a cross street every 650 feet, except for dead end streets and cul de sacs:** Mayor Anderson opened the public hearing at 7:01 p.m. to receive comments on the proposed amendment to the Land Use Management and Development Code. No comments were offered and the Mayor closed the public hearing at 7:02 p.m.
- c. **Worthington Annexation: 187 acres north of existing City boundary along Old Lincoln Highway:** Mayor Anderson opened the public hearing at 7:02 p.m. to receive comments on the proposed Worthington Annexation.

Mr. Tony Gonzalez was present and was representing the developer L&S Builders and Developers. He stated they are purchasing a large portion of the Worthington property and have initiated this annexation proposal. They are planning on developing a subdivision on the Worthington property. Mr. Gonzalez commented that L&S Builders and Developers are requesting a RR-2.5 zoning designation for the property at the time the annexation is approved. He indicated they are planning on developing large lots with a minimum of 2 ½ acre lots to a maximum of 5 acre lots, with some varying lots in between. Mr. Gonzalez made comment that L&S Builders and Developers have looked at Grantsville City's Master Plan and they believe that the proposed subdivision falls into the scope of maintaining a rural atmosphere.

Ron Elton made comment that this matter will be on the next City council agenda to consider an annexation ordinance, and that the ordinance requires the designation of a zoning district for the property. Mayor Anderson asked if there were any further comments on the Worthington Annexation. No other comments were offered. Mayor Anderson closed the public hearing at 7:04 p.m.

Regular Meeting officially opened by Mayor Anderson at 7:05 p.m.

AGENDA:

APPROVAL OF MINUTES: Councilman Castagno made a motion to approve the special City Council minutes for the meeting held on September 18, 2007. Councilman Butler seconded the motion. Councilman Baird abstained from the vote. All others voted in favor and the motioned carried.

City Council meeting minutes for September 19, 2007. Councilman Baird requested a correction in the third sentence, third paragraph of page 3 of 4 regarding the final plat for Heritage Grove phase 2 for Alan Johnson to change the word "trial" to "trail." Councilman Castagno also requested that the duplicate words, "of the balances" be removed. Councilman Marshall requested an amendment midway down on page 2 of 4, regarding the R-1-21 rezone. Later on in

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the meeting the Council amended the zone change to exempt proposed Lot 1 to make it a legal lot. Councilman Marshall requested that the minutes on page 2 state that the entire property was rezoned and later in the meeting that Lot 1 was deleted from the rezone. Councilman Castagno recommended putting an asterisk and comment on page two to refer to the deletion of Lot 1 from the zone change later in the meeting.

Councilman Butler made a motion to approve the regular meeting minutes of the Grantsville City Council held on September 19, 2007 as amended. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

CONSIDERATION OF NEW BUSINESS LICENSES: No business license requests were presented for approval and the council proceeded with the next agenda item.

RANCH ROAD SUBDIVISION – REQUEST TO DELETE SECONDARY WATER SYSTEM (NEIL BLACKBURN): Neil Blackburn was present representing Mountain Vista Homes, seeking a clarification of the City’s requirement to convey secondary water rights to the City and also develop a private secondary water system for the proposed subdivision. Attorney Elton stated that Phase 3 for the Ranch Road Subdivision was being processed before the Planning Commission and that final approval had already been given for Phases 1 and 2. The approval for Phases 1 and 2 required the developer to convey secondary water to the City for culinary and outside water use through the City’s system and also provide a dry secondary water distribution system for possible use in the future. At the last meeting Councilman Castagno had raised a question about the ability of this developer to convey secondary water to the City since the City’s water conservation ordinance required a developer to provide its own secondary system if the property had been irrigated with a private water source within the past five years, which had occurred on this property. Attorney Elton indicated that he had reviewed the ordinance and Councilman Castagno was correct in that the water conservation ordinance applied to both underground water and to irrigation company water, which would prevent a conveyance of that water to the City for outside use through the City system. Attorney Elton stated that in his opinion there are only two options for the City Council to consider. The two options were to either amend the water conservation ordinance to allow the conveyance of underground water rights to the City for eventual use through the City’s system for outside irrigation or for the developer to use its secondary water for outside use through a privately owned system. Attorney Elton asked the Council whether they wanted to maintain the water conservation ordinance or to amend it to allow the conveyance of secondary water to the City for outdoor use.

Councilman Castagno made comment that it did not seem appropriate to require the developer to convey secondary water to the City and then pay for the infrastructure to put in a secondary water system that would not be used.

Councilman Butler made comment that there may not be any advantage to the City one way or the other, but that the City needed to be consistent. Councilman Marshall asked the Council to consider the consequences of amending the ordinance and the effect it would have upon other developments. Councilman Castagno commented that if the developer is providing the culinary water rights for irrigation he doesn’t see what the harm would be to the City and that it may provide a benefit for the City to maintain the water. Attorney Elton stated that if the ordinance is amended it will be applied uniformly to all future developers. Councilman Castagno commented that if the City keeps the current ordinance and the City requires the developers to put in their own system and the system fails for any reason, people will start using the City water anyway.

Neil Blackburn, representing Mountain Vista, made comment that in their staff review meeting regarding Ranch Road Phase 3, Craig Neeley stated that it didn’t make sense for the City to have multiple small irrigation systems independently owned and operated throughout the City and that is why the Mountain Vista development was authorized to convey to the City all of the water for both indoor and outdoor purposes for all three phases. Mr. Blackburn stated that he feels it would be beneficial to the City to avoid having multiple systems independently owned and operated within the City limits for private irrigation purposes, especially if the City can acquire the water rights which will be validated and examined and as a consequence the City will end up with a water right far superior than can be provided by an independent, privately owned water system.

Councilman Marshall asked how many acre feet of water will be conveyed to the City for this subdivision? Mr. Blackburn stated that it was about 120 acre feet that Layton Land Park Partners owned. The state engineer required and it has been validated by the City's water right attorney, the dedication of about 93 acre feet of water that will go to City for all three phases. Layton Land Park Partners will retain roughly 27 acre feet. Councilman Marshall asked if the 93 acre feet will meet the requirements for a conversion from secondary water to culinary water use? Mr. Blackburn stated that it would and he believed that the City would end up having 103 acre feet which would be discounted by the state with the City ending up with a net of 93 acre feet of culinary water.

Councilman Baird asked who would be affected by an amended ordinance? Attorney Elton stated an ordinance amendment would apply to Grantsville Irrigation Company water and underground water rights that have been applied to the ground within five years. Attorney Elton commented that the current water conservation ordinance indicates that it is mandatory to use privately owned water on the property if it has been used within the past five years. An amended ordinance would state that it would be optional to continue to use the private water source on the property or the developer could convey water to the City.

Councilman Marshall made a motion to put on the next agenda the consideration of an amendment to the Water Conservation Ordinance to delete the requirement that privately owned secondary water must be used on the property and to allow a developer to convey culinary water to the City for outside use. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

CONSIDERATION OF CONCEPT PLAN OF OQUIRRH DEVELOPMENT FOR 91.27 ACRES LOCATED AT 375 S. SR 112:

Jacob Anderegg was present representing Hewn Development, LLC. Mr. Anderegg stated that he is a part owner in the Oquirrh Estates Development located on Highway 112. Mr. Anderegg indicated that the Council had previously requested the total number of residences that were proposed and how the commercial property would be developed. Mr. Anderegg stated that his company would like to develop the commercial property at the same time as the residential property. He stated that Hewn Development is anticipating that it will be next spring when they will be constructing at least one or both of the roads that come off of Highway 112 and will go to the single-family subdivision. He said they are not sure how far north they are going to go because they anticipate the development to be in phases. He said there are three proposed phases for the single-family subdivision and three proposed phases for multi-family residential property. Hewn Development anticipates having similar phasing for the commercial area, but Mr. Anderegg indicated that it would be difficult to project the phasing of the commercial property until they obtain firm commitments from retail establishments. Mr. Anderegg stated that Hewn Development has received a high level of interest for their commercial property and they hope to proceed with this development in the near future.

Attorney Elton asked Mr. Anderegg if the City was to approve the development of the residential property, what improvements would need to be included on the commercial property to support the residential subdivision? Mr. Anderegg stated that as far as the commercial property is concerned they would need to install two main roads coming into the subdivision and as the preliminary and final plats come online there is an internal arterial road that runs parallel to Highway 112 and that would have to be put in almost immediately thereafter. Councilman Castagno suggested that Hewn Development contact Tooele County regarding the trail system to see about putting in a traffic light along Highway 112 that would benefit the subdivision as well as the trail system. Attorney Elton asked Mr. Anderegg if it was possible to do a phase or two of residential before dividing the commercial? Mr. Anderegg stated that ideally what is going to happen is to obtain concept approval for the houses and buildings. Hewn Development anticipates moving forward on these phases, at least Phase 1 of both multi-family and single-family, by next year and hopefully there will be sufficient demand that the commercial property will be developed at the same time.

Councilman Castagno commented that the Council was concerned about the built in limitation of a possible extension of commercial uses into the residential property. Mr. Castagno suggested re-phasing the residential property to allow for the possible use of some of the residential

property for commercial use if the demand was present, which could be accomplished by moving the first phases to the east of the property. Mr. Castagno also commented that he would like to see the commercial buildings located along the State highway with the parking on the north side.

Councilman Castagno asked Mr. Anderegg what Hewn Development was planning on regarding the multi-family residential subdivision. Mr. Anderegg stated that Hewn Development is planning on town homes with private ownership and a homeowners association. Mr. Anderegg stated that Hewn Development is planning 174 multi-family units and 128 single-family units. Mr. Anderegg requested, however, that the City allow up to 80 multi-family units and 130 single-family residential units to allow some flexibility in the design of the subdivisions.

Councilman Castagno made a motion to approve the concept plans as presented, with a reversal of the phasing of the multi-family and single family development, to keep the first phases to the east of the property, with a maximum of 180 multi-family units and 130 single-family residential units. Councilman Baird seconded the motion.

Councilman Baird questioned Mr. Anderegg about the retention basin and if Hewn Development was planning on using the basin for open space. Mr. Anderegg stated that the retention basin will be a full acre of usable space. Councilman Baird suggested adding another acre of open space in Phases 2 or 3 of the single family subdivision. Councilman Baird made a motion to amend the original to require an additional acre of developed open space to be included in Phases 2 or 3 of the single family property and that if the open space was to also be used as a storm water retention basin, that the usable area for the open space (not including berms) net at least one acre in size. Councilman Castagno seconded the motion to amend. All voted in favor and the motion to amend carried.

The Mayor called for a vote on the original Motion to approve the concept plan, as amended. Councilmen Castagno and Baird were in favor of the motion. Councilmen Marshall and Butler voted against the motion. Since the vote was a tie, Mayor Anderson then voted in favor and the motion carried.

AGREEMENT WITH TOOELE COUNTY FOR INFORMATION TECHNOLOGY

SUPPORT SERVICES: Recorder Walker introduced a proposed information technology contract with Tooele County, whereby the County would provide computer technical support for all Grantsville City departments at the rate of \$1,200.00 per month with the contract to take effect as of July 1, 2007, since Tooele County has already been providing this service since then. Recorder Walker stated that the County IT Department has been doing a great job with servicing and updating the City's computers. The contract is for services only and the City will be responsible for all hardware and software purchases. The contract can be terminated within 30 days by either party. Recorder Walker sees the contract as being ongoing until the City gets a full time IT technician. The Tooele County IT Department consists of five individuals that are highly qualified to service computers. The service includes web design.

Councilman Marshall moved to approve the Information and Technology Service Agreement effective as of July 1, 2007 between Tooele County and Grantsville City and to authorize the Mayor and other staff as needed to sign the agreement as approved. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

Councilman Castagno asked to check the availability of the website address of grantsville.gov. for possible use by the City. Recorder Walker said he had previously researched the possibility of using this website but he was advised that only state or federal agencies can qualify for .gov websites. Recorder Walker stated that he will research other shorter name website addresses for possible use by the City.

CONSIDERATION OF SALARY STEP INCREASES: Officer George Huber's proposed salary step increase was presented for consideration. Councilman Butler stated that Officer Huber's performance report indicated that he meets or is above standards and has some good comments in his appraisal and he therefore moved to approve the requested pay increase from Grade 14 Step 8 to Grade 14 Step 9. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

APPROVAL OF BILLS: Councilman Baird had a question about the EnPointe bill and if it is a one time charge, Recorder Walker stated that this bill was a one time charge. Councilman Castagno moved to approve the bills as presented in the sum of \$92,516.91. Councilman Baird seconded the motion. All voted in favor and the motion carried.

COUNCIL INFORMATION UPDATES: Mayor Anderson reported a meeting that he had attended regarding the possible location of a community campus sponsored by Dr. Ed Dalton, that could cost up to ten million dollars. They are looking for a central valley location.

Mayor Anderson stated that he had met with a representative from MHTN Architects about beginning a programming and feasibility study process to explore additional space for the City Offices. If approved, MHTN will be meeting with department heads to determine what the anticipated needs of the City are and to develop options and costs that would be presented to the City Council. Mayor Anderson stated that MHTN would be paid an hourly rate, with the process being estimated to cost between \$2,000.00- \$3,000.00. Mayor Anderson indicated that he would proceed with the project if there were no objections. No objection were presented.

Councilman Marshall had a question about the delay in completing the south end of Quirk Street. He stated that the developer Alan Johnson had reported at the last City Council Meeting that the asphalt would be installed within two weeks, and nothing has taken place since. Mayor Anderson stated that he would take action to ensure compliance. Councilman Castagno stated that he had talked to Mr. Johnson and Mr. Johnson had informed him that his contractor had been delayed because of another job. Councilman Marshall asked if anything else could be done. Attorney Elton stated that the City Council previously put a hold on the other subdivisions that Mr. Johnson was developing and that the City may want to get a letter from Mr. Johnson's contractor indicating their plan to install the asphalt. The Council will continue to keep track of Alan Johnson's progress.

Councilman Castagno suggested that the City may want to explore the safety of the intersection at Quirk and Main Streets. Councilman Castagno indicated that there should be restricted access to Main Street by the Barber Shop. Mayor Anderson stated that UDOT had done a report which said that Quirk and Kearl are too close together to install two street lights and they did not have a solution at that time. Councilman Butler made comment that once Quirk Street is finished and with the completion of the Tony Blake subdivision, Quirk Street will have more traffic. The Council agreed that UDOT may need to do another traffic study. Mayor Anderson stated that he will write a letter to UDOT requesting that the state look at traffic problems along Main Street.

Councilman Baird commented that he attended some training with the County Board of Health. Mr. Baird reported that the Tooele County Health Department received a good response to its recent Hazardous Materials collection program. The Board of Health requested suggestions on how to generate more participation in the program. It was suggested that the City may want to put an announcement on the utility bills. Councilman Baird stated that Tooele County is very well known and recognized for the quality of its Health Department. Mr. Baird indicated that Tooele County has the number one health department in the State of Utah. The Board of Health asked Councilman Baird for a suggested location to conduct flu shots in Grantsville City. Councilman Baird advised them that they should contact Fire Chief Lance Marshall or his assistant Richard Broadbent to see about administering the flu vaccinations at the new fire station.

Recorder Walker commented on the staffing situation at Grantsville City Hall. The new job position of Records Administrator was opened for in house recruitment and was offered to Rachel Wright who accepted the new position. This selection opened up a vacancy for the Clerk 1 position. Kristy Clark asked to be moved to the Clerk 1 position which then opened up the Clerk 2 position. Recorder Walker stated that a minor change was made to the Clerk 2 job description with the accounts payable duties being moved from the Clerk 1 position to the Clerk

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2 position. Recorder Walker also commented that the Independent Auditor is scheduled to begin their work during the end of October.

Councilman Marshall announced that the Fire Museum will be having a memorial on October 13, 2007 at 5:00 p.m. The memorial is at 5:00 p.m. and dinner will be served at 6:00 p.m. with a fundraising auction thereafter. He indicated that the public was invited to attend.

ADJOURN: Councilman Marshall made a motion to adjourn the City Council meeting at 8:40 p.m. Councilman Baird seconded the motion. All voted in favor and the motion carried.

Jeremy A Walker
Recorder

C. Byron Anderson
Mayor